

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: EQUAL OPPORTUNITY CONTRACTING
POLICY NO: 800-15
EFFECTIVE DATE: October 8, 2008

BACKGROUND:

In March, 1985 the San Diego City Council adopted a “Minority and Women Business Enterprise Program” and revised the City’s “Equal Opportunity Program” for non-construction contractors. The objective of these programs was to increase the participation of minority and women-owned business enterprises in the City’s contracting process. Since that time, the City’s Equal Opportunity Contracting [EOC] programs have evolved in response to court rulings and developments in the law, most notably the passage of Proposition 209 in 1996. However, the City’s commitment to ensuring fair and equal access to City of San Diego contracting opportunities has not changed.

Most recently, the City Council adopted a recommendation at its February 25, 2008 Council meeting that the Mayor’s Office, the Independent Budget Analyst, the City Attorney’s Office and the Personnel Department work together to update City policy to reaffirm the City’s commitment to diversity, to reflect the goals of the updated EOC programs, and to be consistent with current law. This Policy addresses these issues in the contracting context. It is intended as a companion policy to existing Council Policy 300-10, which addresses equal opportunity in the context of City employment.

PURPOSE:

The City Council, in this Policy, reaffirms its commitment to award and administer public contracts in a manner that is fair and provides equal opportunity to businesses regardless of race, gender or other category protected by law. This policy is intended to supplement San Diego Municipal Code Chapter 2 Article 2 Divisions 27, 35 and Chapter 2 Article 6 Section 26.16.

POLICY:

1. The City of San Diego is committed to an Equal Opportunity Contracting Program pursuant to applicable State and Federal laws and guidelines to administer public contracts in a manner that is fair and provides equal opportunity to businesses regardless of race, gender or other category protected by law.

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2. The City of San Diego must ensure that it does not discriminate and does not contract with any business that discriminates on the basis of race, gender or other protected category.
3. The City of San Diego must ensure that persons or businesses that are awarded City contracts shall not discriminate against any person or business on any basis prohibited by law in the performance or administration of any City contract, including in the selection of subcontractors.
4. All City departments and agencies are strongly encouraged to actively participate in and work cooperative to ensure the effective administration of the City's Equal Opportunity Contracting Program.
5. All City departments and agencies are strongly encouraged to seek and develop innovative programs and strategies to ensure diversity in response to changes in the legal landscape, and the evolving needs of our community.
6. The Administration Department Director and/or Equal Opportunity Contracting Program Manager will submit quarterly reports to Council Committee and quarterly reports to City Council detailing goals, progress and strategies for review and approval. These reports will contain data of sufficient details so as to provide a clear and comprehensive breakdown of the various program elements and results.
7. The agencies and corporate directors under Council direction and contract will submit quarterly reports to Council Committee and quarterly reports to City Council detailing goals, progress and strategies for review and approval. These reports will contain date of sufficient details so as to provide a clear and comprehensive breakdown of the various program elements and results.
8. As indicated in the San Diego Municipal Code, in order to achieve the goals of this Equal Opportunity Contracting Policy an eleven-member Equal Opportunity Commission shall be appointed by the Mayor and confirmed by the City Council to monitor, review, report and assist in the overall equal opportunity effort of the City and the community at large. The Commission shall:
 - A. Monitor and/or evaluate the Equal Opportunity Contracting Program of the City as it exists and as it may be amended from time to time by the City Council.
 - B. Advise on a continuing basis and make recommendations regarding the Program, as are deemed appropriate and/or necessary to the Mayor, City Council, Civil Service Commission, Chief Operating Officer and other agencies and appropriate authority of City government.

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- C. Submit written quarterly reports which evaluate the progress of the City and its agencies for review and acceptance by Council Committee and Council. Submittal should coincide with the quarterly submittals by the Administration Director/Equal Opportunity Contracting Program Manager.
- D. In coordination with the Mayor or his/her designee, non-mayoral departments and agencies, assist in the recruitment of certified firms to compete for available City contracts.
- E. Promote the City of San Diego as an Equal Opportunity Employer of individuals and firms desiring to contract with the City in order to build confidence and goodwill between the City and all citizens.
- F. Meet regularly with the staff of the City and its agencies to carry out its responsibilities.

In addition to the duties and responsibilities set forth in the Municipal Code, the Commission shall:

- A. Establish and regularly update by-laws that govern the Commission in a manner that allows for success in carrying-out its mission.
- B. Submit its quarterly reports within 30 days of the release of statistical information by the Equal Opportunity Contracting Program Manager pursuant to Council Policy 300-10.

HISTORY:

“Equal Opportunity Contracting”

Adopted by Resolution R-304143 - 10/08/2008